

# HOUSE BILL No. 1361

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2-353.1; IC 16-41-42; IC 25-1-9-6.6.

**Synopsis:** Vaccines with mercury. Requires that before a person administers a vaccine that contains more than a trace amount of mercury, the person must inform the person who will be vaccinated that there are alternatives to mercury preserved vaccines. Allows the state department of health to suspend this requirement during a public health emergency or an epidemic. Provides that a health care practitioner may be subject to disciplinary sanctions for failing to comply with these requirements.

**Effective:** July 1, 2007.

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**Bell, Hinkle, Burton**

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January 16, 2007, read first time and referred to Committee on Public Health.

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First Regular Session 115th General Assembly (2007)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2006 Regular Session of the General Assembly.

## HOUSE BILL No. 1361

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-353.1 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2007]: **Sec. 353.1. "Trace amount of**  
4 **mercury", for purposes of IC 16-41-42, has the meaning set forth**  
5 **in IC 16-41-42-1.**

6 SECTION 2. IC 16-41-42 IS ADDED TO THE INDIANA CODE  
7 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE  
8 JULY 1, 2007]:

9 **Chapter 42. Administration of Vaccines**

10 **Sec. 1. As used in this chapter, "trace amount of mercury"**  
11 **means less than one-half (1/2) microgram of mercury, including**  
12 **thimerosal and derivatives of ethyl mercury, per five (5) milliliter**  
13 **dose of vaccine.**

14 **Sec. 2. Before a person administers a vaccine that contains more**  
15 **than a trace amount of mercury to an individual, the person must**  
16 **inform the individual (or the individual's parent, guardian, or**  
17 **custodian if the individual is unemancipated and less than eighteen**



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(18) years of age) of the following:

(1) That the vaccine contains mercury.

(2) That there are alternatives to mercury preserved vaccines that are available to the individual.

Sec. 3. (a) If the executive board or state department determines that:

(1) a public health emergency or an epidemic exists that requires a public vaccination program; and

(2) there is an insufficient supply of vaccine that does not contain more than a trace amount of mercury for the public vaccination program;

the requirements in section 2 of this chapter do not apply for the duration of the public health emergency or epidemic.

(b) If the executive board or state department makes a determination under subsection (a), the commissioner shall inform the:

(1) governor;

(2) president pro tempore and minority leader of the senate; and

(3) speaker and minority leader of the house of representatives;

concerning the nature of the public health emergency or epidemic and its expected duration.

SECTION 3. IC 25-1-9-6.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2007]: Sec. 6.6. In addition to the actions listed under section 4 of this chapter that subject a practitioner to disciplinary sanctions, a practitioner is subject to disciplinary sanctions under section 9 of this chapter if, after a hearing, the board that regulates the practitioner finds that the practitioner has failed to comply with the requirements of IC 16-41-42 concerning the administration of vaccines.

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